

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

6.281 ACRES OF LAND, MORE OR
LESS SITUATE IN STARR COUNTY,
STATE OF TEXAS, *ET AL.*,

Defendants.

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CASE NO. 7:20-CV-011

UNITED STATES OF AMERICA’S STATUS REPORT

The United States files this Status Report in response to the District Court’s November 10, 2020 Order¹ and informs the Court as follows:

1. On January 16, 2020, Plaintiff filed a Complaint in Condemnation² and Declaration of Taking³ pursuant to 40 U.S.C. §§ 3113 and 3114 for the taking of a temporary easement to enter in, on, over, and across Defendants’ real property located in Starr County, Texas.
2. On January 21, 2020, the Court issued an Order for Conference⁴ and scheduled an Initial Pretrial and Scheduling Conference for April 14, 2020.
3. On March 13, 2020, the United States filed its Opposed Motion for Order of Immediate Possession,⁵ and Defendant Leonel Romeo Alvarez filed a Response⁶ to the Opposed Motion for Order of Immediate Possession on April 3, 2020.

¹ Dkt. No. 88.

² Dkt. No. 1.

³ Dkt. No. 2.

⁴ Dkt. No. 5.

⁵ Dkt. No. 19.

⁶ Dkt. No. 27.

4. On April 9, 2020, the Court issued an Order⁷ setting deadlines and canceling the Initial Pretrial Conference.
5. On June 12, 2020, the United States and Defendant Leonel Romeo Alvarez filed separate briefs on the issue of just compensation.⁸
6. As outlined in the United States' prior status reports,⁹ the United States has added multiple parties because they held an interest in the subject property; dismissed several parties because they were improperly joined or disclaimed their interest in the subject property; and worked diligently to serve all parties in this case since the Court's April 9, 2020 Order noted above.
7. At this time, the parties currently remaining in this case are as follows: Jose I. Villarreal, Noe Villarreal, Iris Lopez a/k/a Iris Garza, Reynaldo Lopez, Leticia L. Cruz, Reynaldo Alvarez, Jr., Norma Ruth Ozuna, Maricruz A. Zarate, Leonel Romeo Alvarez, Elisabel Lopez, Abel David Lopez, Migdalia Lopez, Exiquio Raul Lopez, III, Lilliana Lee Lopez, Maria Teresa Lopez, Miracle Nichole Lopez, Tracy Monique Lopez, and Eli Rey Lopez.¹⁰
8. On September 22, 2020, the Court issued an Order¹¹ wherein, among other orders, the Court ordered the United States to serve all interested parties by Friday October 16, 2020 and appear for a Show Cause hearing on November 10, 2020.

⁷ Dkt. No. 30.

⁸ Dkt. Nos. 48-49.

⁹ See Dkt. Nos. 75, 82.

¹⁰ See Dkt. Nos. 80, 87.

¹¹ Dkt. No. 76.

9. At the time of the Show Cause hearing on November 10, 2020, only Iris Lopez a/k/a Iris Garza remained to be served since a motion seeking leave to file the disclaimer for Amy Yvonne Lopez had been filed on November 5, 2020.¹²
10. Following the Show Cause hearing, the Court issued an Order¹³ wherein it ordered “the United States to serve Iris Lopez a/k/a Iris Garza by publication, and provide proof of service to the Court, or provide good cause for its failure to do so by November 25, 2020.”
11. Accordingly, the United States provides the following update to the Court regarding service by publication on Iris Lopez a/k/a Iris Garza:
 - a. On November 17, 2020, the United States filed a Certificate of Commencement of Service by Publication¹⁴ wherein the United States indicated that it would proceed to commence service by publication on Iris Lopez a/k/a Iris Garza in accordance with Federal Rule of Civil Procedure 71.1(d)(3)(B).
 - b. Publication was subsequently commenced, with the first publication taking place on November 18, 2020. The second publication will take place on November 25, 2020 and the third and final publication will take place on December 2, 2020, at which time service upon Iris Lopez a/k/a Iris Garza will be perfected.
12. The United States assures the Court that it has worked diligently to serve Iris Lopez a/k/a Iris Garza, and once service is perfected after the December 2, 2020 publication date, the United States will file its Certificate of Service with proof of the publication dates with the Court.

¹² Dkt. No. 84.

¹³ Dkt. No. 88.

¹⁴ Dkt. No. 89.

13. Currently pending before the Court are the United States' Opposed Motion for Order of Immediate Possession¹⁵ and the parties' opposing briefs on the issue of just compensation.¹⁶
14. Accordingly, possession and the issue of just compensation remain in dispute, and the United States is continuing to work with the Defendants to resolve these remaining issues.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Roland D. Ramos, Assistant United States Attorney for the Southern District of Texas, hereby certify that on November 24-25, 2020, a copy of the foregoing was served on all parties in accordance with the Federal Rules of Civil Procedure.

By: *s/ Roland D. Ramos*
ROLAND D. RAMOS
Assistant United States Attorney

¹⁵ Dkt. No. 19.

¹⁶ Dkt. Nos. 48-49.